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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,201	11/21/2003	Manfred Ueberschar	VOI0281.US	2807
7590	11/02/2004		EXAMINER	
Todd T. Taylor Taylor & Aust, P.C. 142 S. Main Street P.O. Box 560 Avilla, IN 46710			EDWARDS, LAURA ESTELLE	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/719,201	UEBERSCHAR ET AL.
	Examiner Laura Edwards	Art Unit 1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 September 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-48 is/are pending in the application.
 4a) Of the above claim(s) 25-48 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-20 and 24 is/are rejected.
 7) Claim(s) 21-23 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>112103</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicants' election of Group I, claims 1-24 in the reply filed on 9/27/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

Claims 9-17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, Applicants recite structural limitations with respect to the coating unit, however, it is unclear how these claims further structurally limit the pressing device of claim 1. These limitations would provide further structure provided that claim 1 was amended to recite the combination of a coating unit and pressing device.

In claim 19, line 1, "said at least one of a tension sensitive element and a pressure sensitive element" lack antecedent basis. Claim 19 should depend from claim 18.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 18-20, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Pallas et al (US 6,409,857).

Pallas et al teach a device for pressing two rolls (13, 45) together, at least one roll (45) for applying coating to one of a paper web or board, the device comprising the combination of a force device arrangement (53, 65, 67, 69) for providing a force being transmitted at least partly in a force transmission path running from said force device arrangement to at least one of the first roll and the second roll, said force device arrangement producing a pressing force between the first roll and the second roll, and at least one sensor (75) registering said pressing force between the first roll and the second roll, said at least one sensor being arranged in said force transmission path, said at least one sensor being arranged outside the first roll body and the second roll body. Applicants' recitation in the preamble of the device for use in a coating unit for two dimensional application of liquid to a web has been given no patentable weight because the body of the claim and the basis of the invention is directed solely to the pressing device.

With respect to claims 18-20, see col. 11, lines 39-42 and col. 12, lines 45-59.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallas et al (US 6,409,857).

The teachings of Pallas et al have been mentioned above. Pallas et al further recognize that the at least one force generating means can be branched and plural force transmission paths exist (see col. 7, line 67 to col. 8, lines 1-4), Pallas et al are silent concerning the at least one sensor (75) being arranged in the force transmission path after it branches away from a second force transmission path. However, because Pallas et al teach that plural transmission paths can exist as well as plural sensors to monitor the force in a given path (see col. 8, lines 64+ to col. 9, lines 1-12), it would have been within the purview of one skilled in the art to provide at least one sensor or force measuring means in each of the force transmission paths, branched or otherwise,

so as to provide feedback in order to maintain a desired coating or glue gap between the first and second rolls thereby providing a uniform corrugated product.

With respect to claims 4 and 5, see col. 8, lines 24-44.

With respect to claims 6-8, the location of the at least one sensor with respect to a force transmission path is within the purview of one skilled in the art as the force transmission path can be branched in any direction, upstream or downstream.

Allowable Subject Matter

Claims 9-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-17 would be allowable because there is no teaching or suggestion in the prior art of a coating unit for two-dimensional coating with liquid to a pasty application medium to a moving fiber material web comprising the combination of a first roll having a first roll body, the second roll having a second roll body, the first roll being arranged axially parallel to the second roll, at least one of the first roll and the second roll being movable relative to the other of the first roll and the second roll, a force device arrangement for providing a force being transmitted at

least partly in a force transmission path running from said force device arrangement to at least one of the first roll and the second roll, said force device arrangement producing a pressing force between the first roll and the second roll, at least one sensor registering said pressing force between the first roll and the second roll, said at least one sensor being arranged in said force transmission path, said at least one sensor being arranged outside the first roll body and the second roll body, and a stand connected to the second roll and a bearing lever connected to the first roll, a position of the second roll being fixed relative to the stand, the second roll being rotatable, the first roll being rotatable, said bearing lever connected to the stand, the bearing lever being pivotable relative the stand to bring the first roll and second roll together, the force device arrangement acting on the bearing lever.

Claims 21-23 would be allowable because there is no teaching or suggestion in the prior art a device for pressing together a first roll and a second roll in a coating unit for a two-dimensional application of a liquid to pasty application medium to a moving fiber material web, the first roll having a first roll body, the second roll having a second roll body, the first roll being arranged axially parallel to the second roll, at least one of the first roll and the second roll being movable relative an other of the first roll and the second roll, the pressing device comprising the combination of a force device arrangement for providing a force being transmitted at least partly in a force transmission path running from said force device arrangement to at least one of the first roll and the second roll, said force device arrangement producing a pressing force between the first roll and the second roll, at least one sensor registering said pressing force between the first roll and the second roll, said at least one sensor being arranged in said force transmission path, said at least one sensor being arranged outside the first roll body and the second roll body,

and an electronic control unit responding to said at least one sensor, said electronic control unit controlling said force device arrangement, said electronic control unit being set up for a regulated maintenance of a predefined desired value of said pressing force wherein both the first roll and second roll include a first axial end and a second axial end, said force device arrangement operational in both a region of said first axial end and a region of said second axial end, said force device arrangement operational in said region of said first axial end includes a first independently controllable force device, said force device arrangement operational in said region of said second axial end includes a second independently controllable force device, said at least one sensor desired for a mutually independent registration of said pressing force in both said region of said first axial end and said region of said second axial end.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Laura Edwards
Primary Examiner
Art Unit 1734

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October 28, 2004